



APR 02 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Daniel A. Monaco
Drinker, Biddle & Reath, LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996

In re Application of :
REDDY, et al. :
U.S. Application No.: 10/018,581 : COMMUNICATION
PCT No.: PCT/US00/16486 :
Int. Filing Date: 15 June 2000 :
Priority Date: 16 June 1999 :
Attorney's Docket No.: 6056-268 :
For: CELL-BASED ASSAY FOR SCREENING COX-2 :
INHIBITORS :

This file is before the PCT Legal Office for issues arising under 35 U.S.C. 371.

BACKGROUND

On 15 June 2000, applicant filed international application PCT/US00/16486, which claimed priority of an earlier application filed 16 June 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 January 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 December 2001.

On 17 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the International Search Report; an Information Disclosure Statement; a copy of the International Preliminary Examination Report; a First Preliminary Amendment and an unexecuted combined declaration and power of attorney. As 16 December 2001 was a Sunday, the payment of the U.S. national fee on 17 December 2001 is considered timely.

On 01 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration executed by the inventor and the \$130.00 surcharge for filing after the thirty-month period were required. The notification set a TWO (2) MONTH period for response. The Notification identified the corresponding International Application as PCT/US00/46482.

On 08 March 2002, applicant phoned the PCT Help Desk to inquire about the conflicting International Application numbers.

DISCUSSION

The national stage papers filed 17 December 2001 sufficiently identified the international application PCT/US00/16486. Therefore, the U.S. application number 10/018,581 will be considered the national stage application for international application PCT/US00/16486.

CONCLUSION

Applicant is advised that while the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 01 March 2002 included a typographical error as to the international application number, the correct number is that associated with the attorney docket number and as such the time period for a response continues to run. Applicant's date for a timely response remains 01 May 2002.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application number 10/018,581 as the U.S. national stage application of PCT/US00/16486.



Richard Cole
Legal Examiner
PCT Legal Office



Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459